REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on September 19, 2002, and the references cited therewith.

Claims 1 and 7are amended, no claims are canceled or added; as a result, claims 1-23 remain pending in this application. The amendments to claim 1 and 7 clarify by making explicit that which was inherent in the claims prior to the amendment, and are not made in response to any art based rejection.

§103 Rejection of the Claims

Claims 1-23 were rejected under 35 USC § 103(a) as being unpatentable over Tabuchi (US 5,822,583) in view of Ruckdashel (US 6,038,542). Applicant respectfully traverses the rejection, because the cited art does not present a *prima facie* case of obviousness with respect to the amended claims. In order to establish a *prima facie* case of obviousness, three base criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *M.P.E.P.* § 2142 (citing *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed.Cir. 1991)). Applicant respectfully submits that the combination of Tabuchi in view of Ruckdashel fails to teach or disclose each and every element of Applicant's amended claims. Additionally, no proper motivation to combine Tabuchi and Ruckdashel has been cited.

Among the elements of Applicant' s claims not found in either Tabuchi or Ruckdashel is the recitation in amended independent claim 1 of "a wireless notification transceiver communicatively connected to the notification controller and capable of transmitting a message containing data on the event." Amended claim 7 recites similar language with respect to a wireless notification transceiver. The Office Action at page 2 states that Tabuchi discloses a notification controller and transceiver in Figure 1. However, the Office Action fails to identify

any specific element or elements of Figure 1 that correspond to the wireless transceiver or notification controller. The Office Action states that column 1 at lines 28-32 teach or suggest the recited language, however the cited language merely says an event is generated and delivered. It does not state that a wireless transceiver is used to transmit an event message. Applicant has carefully reviewed Tabuchi including Figure 1 and the description of Figure 1 in the specification, and can find no such teaching or disclosure of a wireless transceiver. There is no element or elements in Tabuchi' s Figure 1 labeled as a transceiver, nor is any element labeled as a transmitter or a receiver. Additionally, there appear to be no element or elements that function as a transceiver. Furthermore, Applicant has reviewed the specification, including performing a computerized text search, and can find no references in Tabuchi to a transceiver, transmitter, or receiver of any kind. Finally, there is no reference in Tabuchi to a wireless notification transceiver. As a result, Tabuchi does not teach or disclose a wireless notification transceiver as recited in Applicants claims 1 and 7.

Applicant has also carefully reviewed Ruckdashel including performing a computerized text search for a wireless transceiver, and can find no teaching or disclosure in Ruckdashel of a wireless transceiver of any kind. As a result, neither Tabuchi nor Ruckdashel, alone or in combination, teach a notification transceiver as recited in Applicant's claims. Therefore the cited art does not present a *prima facie* case of obviousness with respect to the claims. The Examiner is respectfully requested to withdraw the rejection of claims 1 and 7.

Claims 2-6 and 19 depend from claim 1 and claims 20-22 depend from claim 7. These dependent claims inherit the elements of their respective base claims and add further patentable distinctions. They are therefore nonobvious for the same reasons as discussed above regarding claim 1 and 7.

Another element of Applicant' s claims that is not taught or suggested in the combination of Tabuchi and Ruckdashel is found in independent method claim 8 and computer-readable medium claim 13, each of which recite "signaling software controlling a notification controller coupled to a bus and a wireless transceiver." As discussed above, neither Tabuchi nor Ruckdashel teach a wireless transceiver. Further, neither Tabuchi nor Ruckdashel teach signaling software that controls a notification controller coupled to a bus and a transceiver. The Office Action asserts that Tabuchi, at column 1 , lines 24-45 and column 4, lines 44-61 teaches the

recited language. Furthermore, the Office Action asserts that element 104 in Ruckdashel is a transceiver. Ruckdashel, at column 2, lines 60-66 makes clear that element 104 is an input/output module that:

> "includes circuitry for interfacing the processor 102 with other devices within the computer system 100, including the display or output device 106, and the (optional) local mass storage 108. The module 104 also interfaces the computer 100 to the network 120, which may be a local or wide area network."

Thus element 104 is not in fact a wireless transceiver as recited in Applicant's claims.

Additionally, Applicant has searched both Tabuchi and Ruckdashel including performing a computerized text search, and can find no reference to a notification controller or a wireless transceiver. As a result, the cited art fails to present a *prima facie* case of obviousness with respect to claims 8 and 13 . The Examiner is therefore respectfully requested to withdraw the rejection of claims 8 and 13.

Claims 9-12 and 23 depend from claim 8 and claims 14- 18 depend from claim 13. These dependent claims inherit the elements of their respective base claims and add further patentable distinctions. They are therefore nonobvious for the same reasons as discussed above regarding claims 8 and 13.

Even if Tabuchi in view of Ruckdashel taught each and every element of Applicant's claims (which is not admitted), no proper motivation to combine the references has been cited. The Office Action must show a suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to combine the reference teachings. M.P.E.P. 2143.01. The Office Action must provide specific, objective evidence of record for a finding of a suggestion or motivation to combine the reference teachings and must explain the reasoning by which the evidence is deemed to support such a finding. *In re Sang Su Lee*, 277 F.3d 1338, 61 U.S.P.Q.2D 1430 (Fed. Cir. 2002). Mere conclusory statements do not fulfill the Office Action's burden. *Id.* The court in *Lee* also stated that "[t]his factual question of motivation is material to patentability, and could not be resolved on subjective belief and unknown authority."

With respect to the motivation to combine Tabuchi and Ruckdashel, Applicant respectfully submits that the Office Action has not provided such evidence or explanation for a suggestion or motivation to combine. Instead, the Office Action merely makes the conclusory

statement that the combination of Tabuchi with Ruckdashel was obvious to one of ordinary skill in the art at the time the invention was made "so as to have achieved more flexibility, quicker access, and a more efficient system" Applicant respectfully submits that the Office Action has not provided objective evidence and authority for a suggestion or motivation to combine the references. The Office Action merely provides a conclusory statement of the Examiner's subjective judgment of the purported benefits of the combination, and does not provide objective reasoning as to how one of skill in the art would be motivated to combine the art.. Applicant respectfully requests that the Examiner provide a motivation to combine that meets the standards set forth by the Federal Circuit in *in re Sang Su Lee,* or withdraw the rejection of claims 1-23.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6954) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-0439.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 19th day of February, 2003.

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CLEAN VERSION OF PENDING CLAIMS

1. (Amended) An event notification system, comprising:

a computer having a CPU and memory and which executes an operating system operative to manage computer programs and wherein said computer programs generate events, the computer further having a bus coupled to the CPU;

a notification controller connected to the bus and operative to detect the generated events;

a wireless notification transceiver communicatively connected to the notification controller and capable of transmitting a message containing data on the event; and

a portable transceiver including a notifier for receiving said message.

2. The system of claim 1 wherein the notifier is an LED.

3. The system of claim 1 wherein the notifier is an LCD panel operative to display a text based message.

4. The system of claim 1 wherein the notifier is a speech-synthesizer capable of producing an audible voice message.

5. The system of claim 1 wherein the notifier is a speaker operative to produce an audible indication that a message has been received.

6. The system of claim 1 wherein the notification transceiver is integrated with the notification controller.

7. (Amended) An event notification system, comprising:

a computer having a CPU and memory and which executes an operating system operative to manage computer programs and wherein said computer programs generate events, the computer further having a bus coupled to the CPU;

a notification controller connected to the bus and operative to detect the generated events; and

a wireless notification transceiver communicatively connected to the notification controller and capable of transmitting a message containing data on the event to activate a portable transceiver.

8. (Amended) A method for notifying a remote user of an event occurring on a computer, the method comprising:

generating an event from a software program;

detecting the event;

signaling software controlling a notification controller coupled to a bus and a wireless transceiver that the event has been detected; and

transmitting a message containing data about the event to a portable transceiver.

9. The method of claim 8 wherein the software program comprises an e-mail application.

10. The method of claim 8 wherein the software program comprises a fax interface program.

11. The method of claim 8 wherein generating an event comprises generating an interrupt request (IRQ) and detecting the event comprises responding to the interrupt.

12. The method of claim 8 further comprising activating a notifier on the portable transceiver to alert a user to the message.

13. (Amended) A computer-readable medium having computer-executable instructions for performing the steps of:

generating an event from a software program;

detecting the event;

signaling software controlling a notification controller coupled to a bus and a wireless transceiver that the event has been detected; and

transmitting a message containing data about the event to a portable transceiver.

14. The computer-readable medium of claim 13 wherein the software program comprises an e-mail application.

15. The computer-readable medium of claim 13 wherein the software program comprises a fax interface program.

16. The computer-readable medium of claim 13 wherein generating an event comprises generating an interrupt request (IRQ) and detecting the event comprises responding to the interrupt.

17. The computer-readable medium of claim 13 further comprising activating a notifier on the portable transceiver to alert a user to the message.

18. The computer-readable medium of claim 13 further comprising receiving an acknowledgment of the message.

19. The event notification system of claim 1 wherein the notification transceiver is further capable of receiving an acknowledgment to the message from the portable transceiver.

20. The event notification system of claim 7 wherein the notification transceiver is integral to the notification controller.

21. The event notification system of claim 7 wherein the notification transceiver operates at a frequency licensed for local use.

22. The event notification system of claim 7 wherein the notification transceiver is operable to receive an acknowledgment of the transmitted message.

23. The method of claim 8 further comprising receiving an acknowledgment of the message.